

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

1:05-cr-10081-MLW-ALL

UNITED STATES OF AMERICA

v.

ALEX S. NEWMAN

DEFENDANT'S SUPPLEMENTAL REQUEST FOR JURY INSTRUCTIONS

The Defendant, Alex Newman, through counsel, respectfully requests that this Honorable Court instruct the jury as follows:

1. As the Chief Executive Officer of Boston Fitness, Alan Morovitz had the authority to act on behalf of his employer. Therefore, if you find that Alan Morovitz authorized the payments to Alex Newman that form the basis of this indictment, then you must find the defendant not guilty of all the counts of the indictment. It does not matter whether the owners David Laird and Scott Baker were aware that the transactions were taking place if they were authorized by Alan Morovitz.

Of course, if you find that David Laird or Scott Baker or both of them also knew that the transactions were taking place and failed to give notice to Alex Newman that the transactions were not authorized, then you must find the defendant not guilty of all of the counts of the indictments.

Respectfully submitted,
Alex Newman
By his attorney,

/s/ Juliane Balliro
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Dated: April 24, 2006

CERTIFICATE OF SERVICE

I hereby certify that, on April 24, 2006, I caused a copy of the foregoing to be filed electronically and via electronic mail to:

AUSA Robert M. Kinsella
53 Pleasant St., 4th Floor
Concord, New Hampshire 03301
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/s/ Juliane Balliro
Juliane Balliro